

## **II. REMARKS**

### **Amendments to the Claims**

Claim 13 is amended to replace the phrase “computer usable medium” with the term “memory.” Support for this amendment is found at least in paragraph [0026] lines 7-13 (“RAP 200 described herein can be stored within the memory of any computer depicted in FIG. 1. ... Memory 100 is illustrative of the memory within one of the computers of FIG. 1”).

Claim 25 is amended to clarify that the apparatus has a processor, a memory, and instructions stored in the memory, wherein the instructions are operable on the processor to cause the apparatus to implement an embodiment of the invention. Support for this amendment is found at least in paragraph [0026] in its entirety, and more specifically at lines 13-18 (“Processor 106 can execute the instructions contained in RAP 200. ... Processor 106 ... and memory 100 are part of a computer such as local computer 95 in FIG. 1”).

### **Objection to the Specification**

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter, specifically the phrase “computer usable medium” found in original claim 13. Currently amended claim 13 now recites “memory” instead of “computer usable medium.” Accordingly, this objection is now moot.

### **Claim Rejections - 35 U.S.C § 101**

Claims 25-32 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In light of the amendment to claim 25, Applicant believes this rejection is now moot and therefore respectfully requests that it be withdrawn.

### **Claim Rejections - 35 U.S.C § 102(a)**

1.) Claims 1-4, 6, 8 and 13-16 stand rejected under 35 U.S.C. 102(a), as being anticipated by Jha (“Java implementation of policy-based bandwidth management”, 07/2003, International Journal of Network Management, pages 249-258). Applicant respectfully traverses these rejections.

A.) Regarding independent claims 1 and 13, the Examiner states (in paragraphs 8 and 14 of the Office Action) that Jha (pages 254-255) teaches “allocating a portion of the resources to the [first] application based on the resource allocation associated with the policy.” However, as explained in further detail below, Jha does not teach this limitation. Jha teaches allocating bandwidth (i.e. a resource) to a route in a network, in contrast to the present invention which provides for allocation of resources to an application.

Jha does not disclose “allocating a portion of the resources” to an application. Instead, Jha teaches allocating bandwidth to routes in a network (“...the interface contains a method to allocate a given bandwidth to a route, which is a combination of (dst address, src address, dst port, src port)”) Jha page 254, left col., lines 6-8; (“...download from Entertainment video-server Mango should not exceed 2Mbps (i.e. limit the traffic from video server to external domain B)”) Jha page 255, right col., lines 10-11; (“...which means we will differentiate traffic based on the originating IP address”) Jha page 255, left col., lines 9-10.

In other words, while resources in the present invention are allocated to particular applications, the resource in Jha is allocated to a route based on “a combination of dst address, src address, dst port, [and] src port.” Jha page 254, left col., line 8. One of the novel features of the present invention is that resources may be allocated without regard to the identity of “customers.” See, e.g., paragraph [0025]. Jha, by contrast, uses the identify of “customers” to allocate bandwidth because traffic is differentiated “based on the originating IP address.” Jha page 255, left col., line 10. Thus, the policies in Jha are associated with routes or customers, while claims 1 and 13 require “a policy associated with the first application.” The policies in the present invention are associated with specific applications and not customers.

In summary, at least because Jha does not teach allocation of resources to specific applications, and does not teach policies associated with specific applications, Jha does not anticipate independent claims 1 and 13. Therefore, Applicant respectfully requests that these rejections be withdrawn.

B.) Regarding claims 3 and 15, Jha does not teach assigning, modifying, or deleting “associations between the policies and the applications” because, as explained above, Jha does not teach associating policies with applications at all. Therefore, Jha does not teach “user assignment, modification, or deletion of at least one of the associations between the policies and the applications.” Accordingly, Applicant respectfully requests that these rejections be withdrawn.

C.) Regarding claims 4 and 16, Jha does not teach allocating resources “independent of the status of the customers associated with the applications.” As explained above, Jha allocates bandwidth based on the route the traffic takes in a network. Allocating based on a route

takes into account the source or destination of the traffic. This is not “independent of the status of customers.” Therefore, Applicant respectfully requests that these rejections be withdrawn.

D.) Regarding claim 6, for the reasons given in (1A) above, Jha does not teach allocating resources to an application, and does not teach policies associated with applications. Therefore, Jha does not teach allocating “all of the currently available resources to the application, subject to the limitations defined in resource allocation table for the policy associated with the application.” Accordingly, Applicant respectfully requests that this rejection be withdrawn.

#### **Claim Rejections – 35 U.S.C § 103(a)**

2. Claims 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatenable over Jha. Applicant respectfully traverses these rejections.

As explained in (1A) above, Jha does not anticipate independent claim 1, from which claims 9-11 depend. Therefore, at least for this reason, a *prima facie* case of obviousness for claims 9-11 does not exist. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

3. Claims 5, 17, 18, 20-23, 25-26, and 28-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jha in view of Chang (“Adaptive bandwidth reservation mechanism using mobility probability in mobile multimedia computing environment”, 2000, pages 76-85). Applicant respectfully traverses these rejections.

A.) As explained in (1A) above, Jha does not anticipate independent claims 1 and 13, from which claims 5, 17, 18, and 20-23 depend. Therefore, at least for this reason, a *prima facie*

case of obviousness for these claims does not exist. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

B.) Further regarding claim 5, Chang does not teach a consistent quality of service for “substantially all of the applications associated with each policy.” Chang provides a system for improving quality of service “for multimedia traffics in mobile computing environments.” Chang page 76, right col., lines 22-23. Chang achieves this in part by reserving bandwidth in a cell based on predictions of which cells clients will switch to in the next handoff. Chang, page 84 (Section 5. “Conclusions”). Thus, Chang does not teach consistent quality of service for applications associated with policies, but rather teaches consistent quality of service for clients in a mobile computing environment. Chang does not teach that the clients are or include applications associated with resource allocation policies. Instead, resource (bandwidth) allocations are made based on predictions of traffic in a given cell. At least for the foregoing reasons, a *prima facie* case of obviousness does not exist and Applicant respectfully requests that this rejection be withdrawn.

C.) Regarding claims 17 and 18 (rejected in paragraph 27 of the Office Action), a *prima facie* case of obviousness does not exist at least for the reasons given in sections (3A-B) and (1D) above, respectively. Therefore Applicant respectfully requests that these rejections be withdrawn.

D.) Regarding claims 20-23 (rejected in paragraph 28 of the Office Action), as explained in (1A) above, Jha does not anticipate independent claim 13, from which claims 20-23 depend. Therefore, at least for this reason, a *prima facie* case of obviousness for claims 20-23 does not exist. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

E.) Regarding claim 25, a *prima facie* case of obviousness does not exist at least for the reasons given in sections (1A) and (1C) above. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Further regarding claim 25, the Examiner states “Chang teaches that a consistent quality of service is achieved for substantially all of the applications associated with each policy.” Office Action paragraph 31. However, as explained in (3B) above, Chang does not teach this feature of an embodiment of the invention. Therefore, at least for this reason, a *prima facie* case of obviousness does not exist. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

F.) Regarding claim 26 (rejected in paragraph 32 of the Office Action), a *prima facie* case of obviousness does not exist at least for the reasons given in section (1D) above. Therefore Applicant respectfully requests that this rejection be withdrawn.

G.) Regarding claims 28-31 (rejected in paragraph 33 of the Office Action), as explained in (3E) above, Jha in view of Chang does not teach all of the limitations of independent claim 25, from which claims 28-31 depend. Therefore, at least for this reason, a *prima facie* case of obviousness for these claims does not exist. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

4.) Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Jha in view of Terje (US 7,137,119 B1). Applicant respectfully traverses this rejection.

As explained in (1A) above, Jha does not anticipate independent claim 1, from which claim 7 depends. Therefore, at least for this reason, a *prima facie* case of obviousness for claim 7 does not exist. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

5.) Claims 19 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jha in view of Chang in view of Terje. Applicant respectfully traverses this rejection.

As explained above in (1A) and (3E) respectively, a *prima facie* case of obviousness does not exist for claims 13 and 25, from which claims 19 and 27 respectively depend. Therefore, Applicant respectfully requests that these rejections be withdrawn.

6.) Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Jha in view of Naik (US 2006/0294238 A1). Applicant respectfully traverses this rejection.

As explained above in (1A), a *prima facie* case of obviousness does not exist for claim 1, from which claim 12 depends. Therefore, Applicant respectfully requests that this rejection be withdrawn.

7.) Claims 24 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jha in view of Chang in view of Naik. Applicant respectfully traverses this rejection.

As explained above in (1A) and (3E) respectively, a *prima facie* case of obviousness does not exist for claims 13 and 25, from which claims 24 and 32 respectively depend. Therefore, Applicant respectfully requests that these rejections be withdrawn.

#### **Claim Rejections - 35 U.S.C § 102(e)**

8. Claims 1-4, 6, 8, 10, 12 and 13-16 under 35 U.S.C. 102(e), as being anticipated by Naik et al. (US 2006/0294238 A1, hereinafter "Naik"). Applicant respectfully traverses these rejections.

A.) Regarding independent claims 1 and 13, the Examiner states that Naik teaches “a policy associated with the [first] application.” Office Action paragraph 52. However, Naik does not teach or suggest such a policy associated with a specific application. Naik discloses (1) policies associated with a resource and (2) policies associated with a grid. Naik [0064]-[0067]. Resource-associated policies are policies set by the owner/user of a desktop resource (e.g. a PC) that “govern which services can be deployed on that resource and when these services can be deployed. For example, a user-defined policy may allow services requiring database access over the network only between 6PM and 6AM on weekdays.” Naik [0065] lines 3-7. Grid-associated policies are policies that ensure that, even if a resource is available, it has a predicted quality of service sufficiently high for a requesting grid service. Naik [0066]. Thus, unlike the present invention, Naik does not provide policies that are associated with specific applications. Rather, the policies in Naik are associated with resources and grid services in general, irrespective of the specific application requesting a resource. Therefore, at least because Naik does not teach “a policy associated with a first application” as required by independent claims 1 and 13, Applicant respectfully requests that the rejections of these claims (and all dependent claims) be withdrawn.

B.) Regarding claims 3 and 15, for the reasons given in (8A) above, Naik does not teach “associations between the policies and the applications” and therefore does not teach “user assignment, modification, or deletion” of such associations. Naik [0077] lines 1-5, cited by the Examiner in paragraph 54 of the Office Action, teaches updating grid related policies, but as explained in (8A) above, grid related policies are not policies associated with a specific application. Therefore, at least for this reason, Applicant respectfully requests that these rejections be withdrawn.



C.) Regarding claims 4, 6, 16, as explained in (8A) and (8B) above, Naik does not teach a “policy associated with the first application.” Therefore, Applicant respectfully requests that these rejections be withdrawn.

### **Claim Rejections – 35 U.S.C § 103(a)**

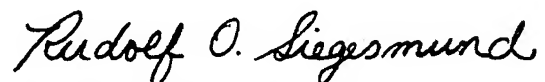
9.) The examiner rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatenable over Naik. Applicant respectfully traverses these rejections.

As explained in (8A) above, Naik does not anticipate independent claim 1, from which claims 9-11 depend. Therefore, at least for this reason, a *prima facie* case of obviousness for claims 9-11 does not exist. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

### **Conclusion**

Applicant submits that the claims are now in condition for allowance.

Respectfully submitted,



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